meet established contract specifications and overall system performance requirements will not be borne by the Government.

Reports

(b) WAIVER.—(1) If the Secretary is unable to make the certification described in subsection (a), the Secretary shall submit to the congressional defense committees a report on the nature and extent of any prospective Government risk with respect to the costs of modifications, corrections, and deficiencies referred to in that subsection. In the report, the Secretary—

(1) shall set forth the type and degree of risk with respect to the affected major subsystem of each of the two aircraft; and

(2) shall specify the contractual agreements for any such areas of risk by affected major subsystem for each aircraft.

(2) Upon the receipt of a report under paragraph (1), the limitation in subsection (a) shall cease to apply.

SEC. 146. LIMITATION ON ACCEPTANCE OF DELIVERY OF STINGER MISSILES

The Secretary of the Army may not accept delivery of Stinger missiles that do not conform to all existing performance requirements unless the Secretary certifies in writing to the congressional defense committees that the contractor is contractually responsible to modify or retrofit delivered missiles in order to meet all performance specifications existing as of the time of delivery at no cost to the Government.

SEC. 147. M109 HOWITZER IMPROVEMENT PROGRAM

The Secretary of the Army may not obligate fiscal year 1990 funds for the M109 Howitzer Improvement Program until—

(1) the Secretary certifies to the congressional defense committees that the Army Acquisition Executive has approved the baseline acquisition program for the Howitzer Improvement Program that is consistent with the current five-year defense program;

Reports

(2) the Secretary submits that baseline report to Congress; and

Reports

(3) the Secretary submits to the committees a report on a design for a follow-on operational

test of the howitzer and the degree to which the operational and organizational concept for the howitzer will be validated by that test.

SEC. 148. EQUAL EMPLOYMENT OPPORTUNITIES RELATING TO AN ARMY CONTRACT

Funds appropriated for procurement of aircraft for the Army for fiscal year 1990 may not be obligated for the procurement of C-23 Sherpa aircraft unless the Secretary of the Army secures a commitment from the contractor that it will support equal employment opportunities in its employment practices for all individuals irrespective of race, color, religion, sex, or national origin.

PART F—NAVY PROGRAMS

SEC. 151. LIMITATION ON PROCUREMENT OF V-22 OSPREY AIRCRAFT

(a) PROHIBITION.—None of the funds appropriated for fiscal year 1990 or otherwise made available to the Department of Defense for fiscal year 1990 pursuant to this Act or any Act enacted after this Act may be obligated for procurement of V-22 aircraft.